

## GEORGIA DEPARTMENT OF CORRECTIONS

### Standard Operating Procedures

<b>Functional Area:</b> Support Services/Human Resources	<b>Reference Number:</b> IVO14-0001 104.47	<b>Revises Previous Effective Date:</b> 01/15/12
<b>Subject:</b> Employee Standards of Conduct		
<b>Authority:</b> Owens/Dozier	<b>Effective Date:</b> 12/12/14	Page 1 of 12

### I. **POLICY:**

- A. Employees of the Georgia Department of Corrections (GDC) are required to adhere to higher standards of conduct than normally found in the general community due to the important security mission of GDC and its inherent responsibility to provide an appropriate model of public safety to the citizens of Georgia. As such, all Department employees are herein given notification of the work rules and standards of behavior by which they will be governed.
- B. Appointing Authorities will ensure all current and new employees read these Standards of Conduct and complete the Employee Standards of Conduct Acknowledgment Statement (Attachment 1) and the Employee Communications Device Acknowledgement & Agreement Statement (Attachment 2). The completed acknowledgment forms will be placed in each employee's Human Resources file.

### II. **APPLICABILITY:**

- A. All employees of the Georgia Department of Corrections, and,
- B. All employees of any vendor or contractor of GDC who work on any property under authority of the Board of Corrections.

### III. **RELATED DIRECTIVES:**

- A. Governor's Executive Order, dated 01-10-11, Establishing a Code of Ethics for Executive Branch Officers and Employees
- B. Governor's Executive Order, dated 01-13-03, Creating the Office of State Inspector General
- C. **O.C.G.A.**
  - 16-6-5.1 Sexual Assault of Person in Custody
  - 40-6-391 Driving Under the Influence
  - 42-5-15 Crossing of Guard Lines with Weapons, Intoxicants or Drugs without Consent

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- 42-5-16      Trading With Inmates without Consent
- 42-5-18      Items Prohibited for Possession by Inmates
- 45-10-1      Code of Ethics and Conflicts of Interest
- 45-11-1      Offenses Concerning Public Officers and Employees
- D.      Department of Corrections Board Rules
  - 125-2-1.02      Employment
  - 125-2-1.07      Performance of Duty
- E.      Rules of the State Personnel Board
  - 478-1-03      Antidiscrimination
  - 478-1-07      Outside Employment
  - 478-1-08      Political Activity
  - 478-1-15      Changes to Employment Status
  - 478-1-20      Employee Grievance Procedure
  - 478-1-21      Drugs and Alcohol Free Workplace Program
  - 478-1-24      Rules for Classified Employees
- F.      GDC Standard Operating Procedures (SOPs)
  - IIA07-0001      Fitness for Duty
  - IIA07-0002      Contact or Business Dealings with Inmates/ Probationers
  - IIA21-0001      Prison Rape Elimination Act (PREA) – Sexual Assault of/Sexual Misconduct with Offenders
  - IIIA02-0007      Probation Operations Fitness for Duty
  - IVO03-0012      Obtaining and Using Records for Criminal Justice Employment
  - IVO13-0003      Unlawful Harassment (including Sexual Harassment)
  - IVO14-0005      Appearance and Dress

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IVO14-0008 Surreptitious Recording of Department Personnel and/or Contractors

IVO15-0001 Secondary Employment

IVO15-0002 Employment of Relatives/Special Relationships

IVO15-0004 Designation of Jobs Requiring Peace Officer Certification  
IVO16-0001 Performance Management

IVO19-0001 Privacy of Personnel Records

IVO20-0001 Adverse Actions (Classified Employees)

IVO20-0002 Adverse Actions (Unclassified Employees)

#### **IV. DEFINITIONS:**

***The following definitions are for purposes of this standard operating procedure:***

A. Close Personal Relationship means:

1. A familial relationship with a spouse, parent or child, step-parent or step-child, grandparent or grandchild, brother or sister, niece or nephew, aunt or uncle, guardian or ward, and including persons related by marriage within the same classes enumerated, or,
2. Any relationship that involves cohabitation, dating, or consensual sexual contact of any kind.

B. Communications Device: Any mobile or cellular phones, smart phones, electronic readers or any other device that allows for the transfer of information from one person to another by means of transmission via internet, satellite, tower, air waves or data line.

C. Contraband: Includes electronic games, radios, recording devices, cameras, mobile or cellular phones, smart phones, electronic readers or any other device that allows for the transfer of information from one person to another by means of transmission via internet, satellite, tower, air waves or data line, or any other property that is prohibited from being brought into a facility or across a guard line by statute, rule, standard operating procedure, local operating procedure or direction of the Warden or Superintendent, unless specifically approved in writing by the Warden, Superintendent or their Designee.

D. Employee: Means any of the following:

1. Any full-time or part-time employee of GDC,
2. Any independent contractor providing services to GDC, or

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3. Any employee of any vendor or contractor of GDC who works on any property under the authority of the Board of Corrections.

E. Ethics Officer: Employee designated to take appropriate measures to ensure that the Department's employees become familiar with applicable ethics laws and policies, including the policies set forth in the Governor's Executive Order Establishing a Code of Ethics for Executive Branch Officers and Employees. The Ethics Officer is the General Counsel for the Department.

F. Gift: Anything of value exceeding \$25, including, but not limited to, food, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money.

G. Offender: Any probationer, inmate or other detainee, or other person under the supervision of the Departments of Corrections, Juvenile Justice, or Pardons and Paroles.

H. Parolee: Any person who is on parole for a disposition from any jurisdiction.

I. Personal or Unauthorized Business Dealings: Any unofficial personal transactions, dealings, relationships or contacts or any unofficial business transactions, dealings, relationships or contacts with an offender that have not been properly approved in writing by the appropriate Division Director or their Designee.

J. Probation: Any felony disposition or treatment in any jurisdiction, including first offender treatment and pre-trial interdiction programs, or otherwise under probation supervision of GDC.

K. Probationer: Any person who is on probation.

L. Relevant Civil Action: Any action which is brought against an employee that potentially impacts on the employee's duties or on GDC. Relevant civil actions would include, but are not limited to, lawsuits alleging that an employee has engaged in any activity which violates the policies and procedures of this Department, has violated 42 U.S.C. § 1983, or has violated any law or standard arising out of any law enforcement activity. This would include any actions initiated by the Peace Officers Standards and Training (P.O.S.T.) Council.

M. Under the influence of alcohol: An employee shall be deemed under the influence of alcohol if he or she:

1. Is on duty or reporting for duty with a blood alcohol concentration (BAC) level of .02 or greater;
2. Has a BAC level of .02 or greater while off duty and is in uniform, inside a guard line, or driving a state vehicle; or

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3. Consumes alcohol and drives a personal vehicle while off duty with a BAC level of .08 or greater.

N. Value: Actual retail price or cost attributable to a gift, less applicable taxes and gratuities or a reasonable estimate based upon customary charges for like goods or services in the locality. A series of tickets to sporting, entertainment, or similar events shall be valued as one gift. Entrance fees, admission fees, or other tickets shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, if provided by a charitable organization.

**V. ATTACHMENTS:**

Attachment 1 – Employee Standards of Conduct Acknowledgement Statement

Attachment 2 – Employee Communications Device Acknowledgement & Agreement

**VI. PROCEDURE:**

A. Employees' Standards of Conduct

1. Employees shall not have personal or unauthorized business dealings with offenders.
2. Employee Conduct
  - a. Employees must conduct themselves in a manner which reflects credit upon themselves, their co-workers, and the Department. Employees shall not engage in any activity, either while on-duty or off-duty, which would reflect discredit on the Department, undermine public trust or which would call into question the fitness of the employee to perform services for the Department.
  - b. Employees shall not engage in any illegal activity, or any other activity, which would violate public safety or public trust. Such prohibited activity would include, but is not limited to:
    1. Driving any motorized vehicle (including but not limited to, motorcycles, automobiles, vans, trucks, all-terrain vehicles, boats, etc.) under the influence of alcohol;
    2. Driving any motorized vehicle (including but not limited to, motorcycles, automobiles, vans, trucks, all-terrain vehicles, etc.) under the influence of Marijuana, any other drug (whether legal or illegal), or other prohibited substance;

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3. Refusal to submit to tests for alcohol or other substance under O.C.G.A. § 40-5-55 or O.C.G.A. § 40-5-67.1;
4. The manufacture, possession, use or distribution of Marijuana or any other illegal drug;
5. Any offense involving a minor;
6. Any illegal homicide;
7. Any theft;
8. Any sex offense, including solicitation of sex;
9. Any assault or battery;
10. Any offense pertaining to any illegal gambling activity; or
11. Any other offense which involves moral turpitude.

A conviction, plea of guilty, or nolo contendere to any offense covered in this procedure shall be conclusive proof of its violation; however, a conviction or even prosecution for any such offense is not necessary to prove a violation of this standard of conduct, if, in the opinion of the employee's Appointing Authority, the employee engaged in the activity and brought discredit on the Department.

- c. Employees shall not engage in any conduct which results in a court imposing incarceration or probation of any type or any duration. Incarceration or probation may result in dismissal from employment.
3. Employees shall not use state property or resources for personal business. State property and resources shall only be used for official business. Such prohibitions include, but are not limited to:
  - a. State credit cards and fuel cards shall not be used for personal purchases.
  - b. State vehicles shall not be used for personal purposes.
  - c. Personal long-distance telephone calls shall not be charged to State telephones or to State calling cards.
  - d. State-provided internet access is intended for public business. Employee use of the internet may be recorded and monitored. No employee is

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permitted to use or access the internet for pornographic, obscene, or other improper purposes.

- e. State-owned or leased cameras, fax machines, copiers and other reproduction equipment should be used only to accomplish official business tasks.

4. Policies, Procedures, and Orders

- a. Employees shall acquaint themselves with and comply with the rules of the Board of Corrections, the Commissioner's directives, the Department's policies and procedures and the post orders of the unit to which they are assigned.
- b. Employees shall comply with all lawful orders and directives issued by one of their superiors in their chain of command.

5. Employees shall not use excessive or unnecessary force against an offender.

6. Employee Language

- a. Employees shall not use profanity or abusive language against an offender.
- b. Employees shall not refer to an offender by the use of any slang name.

7. Employees shall not use illegal drugs or abuse legal drugs at any time. Employees also shall not consume alcohol while on duty or immediately prior to reporting for duty (for at least eight (8) hours). Employees shall be subject to disciplinary action if found to possess a blood alcohol concentration of .02 grams or greater while on duty.

8. Employees shall not proceed inside the guard line of a prison or other facility with or under the influence of alcohol or any illegal drug. Prescription drugs are prohibited inside a guard line without the express approval of the Appointing Authority.

9. Employees shall not purchase, handle, transport, consume nor be under the influence of alcohol while traveling (either driving or riding) in a state vehicle. Employees shall not drive a state vehicle while under the influence of alcohol.

10. Employees shall not purchase, handle, or consume alcoholic beverages while in uniform.

11. Employees shall be present for scheduled duty and remain alert while on duty.

12. Employees shall not use threats, intimidation, profanity, or abusive language against other employees or visitors.

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13. Employees shall not abuse arrest authority or give the impression of having an independent arrest authority. Employees shall only make arrests while in performance of their official duties or as otherwise specifically permitted.
14. Employee Finances
  - a. Employees shall not engage in financial dealings that conflict with the interests of the Department. They also shall not take official actions that give the appearance of benefiting their private or personal interests.
  - b. Employees must meet their personal financial obligations, to include complying with all applicable laws regarding the filing of state or federal tax returns. Employees shall manage their personal finances in a manner that does not bring discredit upon the Department nor make them susceptible to compromise their public duties.
15. Conflicts of Interest
  - a. Employees shall not engage in any activity which creates a conflict of interest with their public duties or responsibilities. This prohibition applies to actual conflicts of interest and to any other action or transaction, which could create an appearance of a conflict of interest in the mind of a reasonable person. This prohibition includes, but is not limited to, the following examples:
    - 1) Employees shall not use their status as a member of this Department to seek favor, to coerce, intimidate, or deceive others, or to receive any privilege not otherwise authorized by the performance of their duties.
    - 2) Employees shall not solicit or accept employment from a contractor, supplier, or consultant or their representative or agent during the conduct of procurement.
    - 3) Employees may serve for compensation as a corporate officer or director of any for-profit or publicly held company or perform voluntary, pro bono services on behalf of non-profit organizations, when services to such organizations would not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully, faithfully, and impartially.
    - 4) No employee may accept any payment whatsoever for services for which fees are not legally or traditionally required, except employees may accept honoraria not related to their employment.

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5) No employee shall directly or indirectly accept gift(s) from any person with whom the employee interacts on official state business. Regardless of the value, no employee may accept any money or "gift certificates," nor may any employee accept any kickbacks, points or items tied to purchases by the Department. If a gift has been personally accepted by an employee, the Department Ethics Officer (478-992-5240) must immediately be notified to make the final determination as to the status of the gift.

b. An employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid by a third party to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report with the Department Ethics Officer (478-992-5240) no later than the 30-days after such expenses are paid.

c. Any exceptions or waivers from this Standard of Conduct, in certain individual cases due to unique or compelling circumstances, require the prior written approval of the designated Department Ethics Officer (478-992-5240). Questions regarding interpretation of this policy provision should also be directed to the Department Ethics Officer.

16. Employees shall not show favoritism to other employees based on familial or personal relationships.

17. Employees shall refrain from "close personal relationships" with other employees within the chain of command.

18. Notification of Citations, Arrests or Convictions

a. Employees shall notify their immediate supervisor of all traffic citations (excluding parking citations), all arrests, all convictions, and all final dispositions of criminal cases including nolo contendere by the next business day after its occurrence. Supervisors are responsible for transmitting this notification to the appropriate individuals in the chain of command, including the duty officer and the Appointing Authority. Within seventy-two (72) hours of the event, the employee shall provide the Appointing Authority with a signed written explanation of the underlying facts.

b. Employees shall provide written notification to their Appointing Authority of any relevant civil action which has been filed against them or of any administrative action to which they are a party, including any action initiated by the Peace Officers Standards and Training (P.O.S.T.) Council,

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for certified employees. This notice must be provided within seventy-two (72) hours of being served or otherwise becoming a party to the action.

19. Employees shall not bring any unauthorized weapons into any work area.
20. Employees shall not bring any communications devices into any facility, any State of Georgia vehicle that is transporting offenders, any outside detail location or place of employment of an offender, or into any perimeter vehicle. These devices, personally owned by an employee, must be kept secured in the employee's personal vehicle at all times while the employee is on duty. The singular exception to this rule is a communications device issued by the Department to an employee for the specific purpose of performing his or her job duties and is utilized and maintained according to the rules governing these devices.
21. Employees shall not bring any contraband into any facility, any vehicle that is transporting offenders, or to any outside detail location or place of employment of an offender.
22. Employees shall report any violation or attempted violation of any law, regulation, policy, or procedure that could result in a breach of the Department's security to their supervisor or other responsible authority immediately upon becoming aware of such a violation.
23. Any employee who knows or has reasonable cause to believe that any other state employee has committed, or is in the process of committing an act or omission of fraud, waste, abuse or corruption shall file a report with the State Inspector General.
24. No Department employee shall retaliate against any employee for disclosing or threatening to disclose a violation of or noncompliance with a law, rule, or regulation to the appropriate Department personnel or to the State Inspector General.
25. Employees shall cooperate fully with any official investigation carried out by any law enforcement or administrative agency (including the State Inspector General). In cooperating with an official investigation, employees shall provide all information requested, respond truthfully to all questions asked, submit to any required polygraph, and provide a signed affidavit if requested, and follow any lawful orders unless officially notified that employee is the subject of a criminal investigation.
26. Employees shall protect and prevent improper release of confidential information.
27. Employees are prohibited from engaging in any illegal political activity. Employees taking part in political activities are responsible for complying with

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applicable federal and state laws, and State Personnel Board Rules. Employees may not solicit or knowingly accept a personal hand-delivered campaign contribution in a governmental building or office. Employees may express opinions on political subjects and candidates, and take an active part in political campaigns outside of working hours, including the wearing of badges or buttons and displaying of bumper stickers and posters. Employees are encouraged to vote. Employees who wish to seek office must comply with the applicable federal and state laws. Employees must notify the Department Ethics Officer (478-992-5240) prior to announcing or qualifying for any elected position or office.

- 28. Employees shall not represent the Department as a spokesperson regarding any Department policy, procedure, plan, program, or activity or regarding any rule or policy of the Board of Corrections without express authorization.
- 29. Supervisors will maintain accurate personnel records to document employees' positive and negative performances.
- 30. Employees shall adhere to professional standards of neatness, cleanliness, safety, and dress, which will reflect credit upon themselves and the Department.
- 31. The unofficial circulation of scandalous or slanderous gossip (rumors) shall not be tolerated. Rumors create unnecessary distractions and are a threat to the security and efficient operation of the Department. A statement made to a superior in the chain of command or to an investigator while conducting an official investigation is not a violation of this standard.
- 32. All employees shall treat all citizens equally in a professional and fair manner without regard to the citizen's race, gender, creed, color, national origin, religion, age, disability, political affiliation, sophistication, or affluence in conjunction with the Governors' Customer Service Initiative.
- B. These standards are a representative and not an exhaustive list. Employees who violate these standards may be subject to disciplinary action, including dismissal, even on the first offense.
- C. These are minimum standards of conduct for all employees of the Department of Corrections. Divisions, institutions, facilities, centers, offices or other units of the Department may have additional or more specific standards for its staff.

## **VII. RECORD RETENTION:**

Attachment 1 – Employee Standards of Conduct Acknowledgment Statement

Retain permanently in the local and official personnel file.

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Attachment 2 – Employee Communications Device Acknowledgement & Agreement Statement

Retain permanently in the local and official personnel file.